

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 28432 Permit 20163 License

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
ADDING ENDANGERED OR THREATENED SPECIES TERM,
AND AMENDING THE PERMIT**

WHEREAS:

1. Permit 20163 was issued to Algeria Mutual Water Company on October 22, 1987 pursuant to Application 28432.
2. A petition for an extension of time in which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board on April 31, 1998.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. Fish and wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

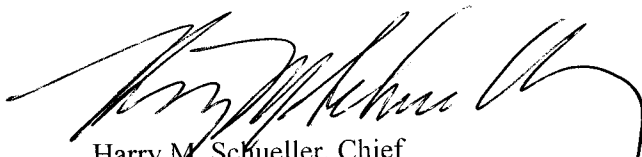
Complete application of the water to the proposed use shall be made by
December 31, 2007. (0000009)

2. The addition of paragraph 18 to the permit to read as follows:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee/licensee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

Dated:

FEBRUARY 24 1999



Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 28432

PERMIT 20163

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 20163 was issued to Alegria Mutual Water Company on October 22, 1987 pursuant to Application 28432.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

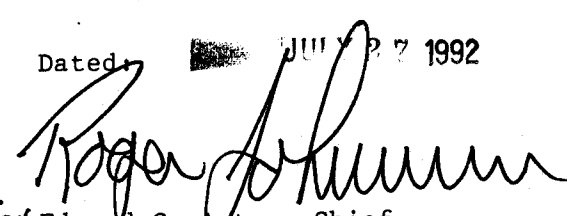
1. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1997

(0000009)

Dated,  JULY 27 1992


for Edward C. Anton, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20163Application 28432 of Alegria Mutual Water Companyc/o Allen & Kimbell, P.O. Box 36, Santa Barbara, CA 93101filed on April 22, 1985, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Canada de AlegriaPacific Ocean

2. Location of point of diversion:

40-acre subdivision
of public land survey
or projection thereof

Section

Town-
ship

Range

Base
and
Meridian

SEE ADDENDUM

County of Santa Barbara

3. Purpose of use:

4. Place of use:

Section

Town-
ship

Range

Base
and
Meridian

Acres

SEE ADDENDUM

The place of use is shown on map filed with the State Water Resources Control Board.

ADDENDUM

*Projected

3. Purpose of use:	4. Place of use:	Section *	Town- ship	Range	Base and Meridian	Acres
Stockwatering						
Irrigation	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	25	5N	33W	SB	6
	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	36	5N	33W	SB	5
	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	36	5N	33W	SB	3
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	36	5N	33W	SB	2
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	36	5N	33W	SB	8
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	31	5N	32W	SB	4
	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	30	5N	32W	SB	1
	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	30	5N	32W	SB	6
	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	30	5N	32W	SB	8
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	30	5N	32W	SB	3
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	30	5N	32W	SB	8
	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	31	5N	32W	SB	3
	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	31	5N	32W	SB	15
	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	31	5N	32W	SB	4
	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	31	5N	32W	SB	1
	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	31	5N	32W	SB	9
	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	31	5N	32W	SB	3
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	31	5N	32W	SB	6
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	31	5N	32W	SB	8
	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	31	5N	32W	SB	1
	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	31	5N	32W	SB	1
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	32	5N	32W	SB	7
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	32	5N	32W	SB	1
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	32	5N	32W	SB	5
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	32	5N	32W	SB	5
	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	32	5N	32W	SB	1
	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	32	5N	32W	SB	4
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	33	5N	32W	SB	1
	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	33	5N	32W	SB	1
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	28	5N	32W	SB	1
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	28	5N	32W	SB	3
					Total	134

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed one cubic foot per second by direct diversion for irrigation purposes and 5400 gallons per day by direct diversion for stockwatering purposes to be diverted from January 1 to December 31 of each year; and 100 acre-feet per annum by storage to be collected from October 1 of each year to September 30 of the succeeding year as follows:

Reservoir No. 1	22 acre-feet per annum
Reservoir No. 2	18 acre-feet per annum
Reservoir No. 3	16 acre-feet per annum
Reservoir No. 4	27 acre-feet per annum
Reservoir No. 5	17 acre-feet per annum

The total amount of water to be taken from the source shall not exceed 200 acre-feet per water year of October 1 to September 30. (0000005)

The maximum rate of diversion to offstream storage in Reservoir No. 5 shall not exceed one cubic foot per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall be completed by December 31, 1990. (0000008)

8. Complete application of the water to the authorized use shall be made by December 31, 1991. (0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph

unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

13. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (0000022)

14. Permittee shall install and maintain an outlet pipe of adequate capacity in each dam, except Reservoir No. 5, as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoirs which is not authorized for appropriation under this permit may be released. Before storing water under this permit, permittee shall: 1) submit plans and specifications of the outlet pipes or alternative facilities to the Chief of the Division of Water Rights for approval, and 2) upon approval, furnish evidence which substantiates that the outlet pipes or alternative facilities have been installed. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

15. Permittee shall install and maintain a device satisfactory to the State Water Resources Control Board to measure the rate and quantity of water diverted to offstream storage from Canada de Alegria into Reservoir No. 5. (0060046)

16. For the protection of fish and wildlife, permittee shall at all times bypass a minimum of 30 gallons per minute or the total stream flow, whichever is less. (0140060)

17. No water shall be diverted under this permit until permittee has installed devices, satisfactory to the State Water Resources Control Board, which are capable of measuring both the streamflow into the project and the required bypass flow. Said measuring devices shall be properly maintained. (0060062)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **OCTOBER 22 1987**

STATE WATER RESOURCES CONTROL BOARD

Raymond J. Walsh

Chief, Division of Water Rights